

JUL 25 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY KMT, DEPUTY

**Ms. Phoebe Renée Halliwell,
a.k.a: Ms. Ronny Darnell,
Plaintiff,**

v.

**Joe M Allbaugh et. al.
Defendants,**

**(APPEAL TO THE DISTRICT
JUDGE, ON THE ORDER ISSUED
(BY THE MAGISTRATE JUDGE
(SHON T. ERWIN
(
(Case No. CIV-18-1152-D**

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**APPEAL TO THE DISTRICT JUDGE, ON THE ORDER
ISSUED BY THE MAGISTRATE JUDGE SHON T. ERWIN**

COMES NOW the Plaintiff, **Ms. Phoebe Renée Halliwell**, to appeal the Magistrate Judge Shon T. Erwin's Order to deny **Ms. Halliwell**'s Motion to Proceed as Administrative Remedies already Exhausted (ECF No. 35).

Ms. Halliwell had filed (ECF No. 35) in which **she** titled "Motion to Proceed as Administrative Remedies already Exhausted" (ECF No.35). As an attachment to that Motion, **Ms. Halliwell** provided copies of a "Request to Staff" and an "Inmate/Offender Grievance" and "Correspondence from Defendant Byrd" returning the Grievance unanswered, stating that **her** "Request to Staff" was not timely filed (ECF No. 35-1). **Ms. Halliwell** argues that **her** "Request to Staff" was not untimely filed, but in an abundance of caution, **she** filed a request to appeal out of time, in which **she** states was also returned unanswered, although **she** attached no proof of the same (ECF No. 35-3).

The Reason **Ms. Halliwell** did not send the unanswered Appeal Out Of Time, is because attached to the Appeal Out Of Time, was a sticky note, stating "Inmates Responsibility to submit to ARA," however, you cannot submit any unanswered Grievance or Documents to the ARA or the PIARA. Also, Prison Staff are not allowed to answer or send unanswered Documents back with sticky notes attached to them. **Ms. Halliwell** has already sent the "Request to Staff" and the unanswered "Grievance," along with the "Correspondence from Defendant Byrd" returning the

Grievance unanswered because it was not timely filed (ECF No. 35:1-3). **Ms. Halliwell** is now sending as Evidence Exhibit “A-F”, in which **she** will explain each Exhibit:

Exhibit “A”: Is the attempt to Appeal Out Of Time, which is the way they sent it to her sticky note attached and all.

Exhibit “B”: This is in response to a letter that **Ms. Halliwell** wrote to the PIARA and the PREA Coordinator, after having problems with Cimarron Correctional Facility (CCF) not allowing **her** Grievances to be answered properly and per Policy ops#090124 entitled “Offender Grievance Process.” However, Policy was followed by **Ms. Halliwell** in accordance with ops#090124.

Exhibit “C”: As you can see with Exhibit “C” is a copy of the Grievance Appeal dated Oct. 3, 2018, was also filed within a day of the response that was incorrectly given for reason why it was returned unanswered.

Exhibit “D”: Is a threat to be put on Grievance Restriction by Defendant Honaker, because **Ms. Halliwell** sent a letter to the “Office of the General Counsel” because (CCF) would not and will not allow **her** Grievances go to who they are addressed to, to be properly answered, so that **she** could file **her** Appeal to the PIARA.

Exhibit “E”: This is another response **she** received after **she** sent another letter with **her** begging for the General Counsel’s help because (CCF) will not allow any of **her** Grievances to go through to be answered, telling **her** to use the Grievance Process, in which **she** did, but (CCF) keeps stopping **her** process, and hindering **her** from Exhausting **her** Administrative Remedies.

Exhibit “F”: Once again **she** was threatened with Grievance Restriction for complaining that (CCF) will not allow **her** Grievances to be answered, along with a letter that **she** wrote to the General Counsel.

As this show a continuing hindrance in allowing **Ms. Halliwell** to Completely Exhaust **her** Administrative Remedies, as this is just some of the proof that this has been going on for over a year. The problem stated around the same time last year that **Ms. Halliwell** was called to Medical, into a meeting with Core Civic Medical Director, and Defendants Rashti and Paine, to tell **her** that **she** needed to stop filing Sick Call Request, Request to Staff's and Grievances to Medical about my Gender Dysphoria, and for Hormones, and Undergarments, that **she** was not getting any of that, and if **she** did not stop filing on Medical that **she** would receive a Misconduct for Disobeying a Direct Order (12-1).

At this time Ms. Halliwell would like to ask this court and the District Judge Timothy D. DeGiusti to Grant Ms. Halliwell's Motion to Proceed as Administrative Remedies as already Exhausted, because (CCF) is doing everything in their power to hinder her for Exhausting her Administrative Remedies.

We Pray the Courts.

Date: July 22, 2019.

VERIFICATION

I have read the foregoing statement and hereby verify that the matters alleged therein are true. I certify under Penalty of Perjury that the foregoing is true and correct. Executed at Cimarron Correctional Facility, here at Cushing, Oklahoma, on July 22, 2019.

Ms. Phoebe Renie Halliwell

Ms. Phoebe Renie Halliwell
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